



February 22, 2008

ENGROSSED SENATE BILL No. 215

DIGEST OF SB 215 (Updated February 21, 2008 12:51 pm - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 4-8.1; IC 5-10.2; IC 6-1.1; IC 9-24; IC 20-23; IC 36-2; noncode.

Synopsis: Various election law matters. (1) Provides that an identification document issued by the Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that has an indefinite expiration date, an identification issued by an approved institution of higher learning, or a Medicare card is an acceptable proof of identification to vote. (2) Provides that an individual confined to a long term care facility may not be challenged solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record. (3) Restates county reimbursement procedures for attending the annual election administrators' conference. (4) Provides that certain individuals under the supervision of the
(Continued next page)

Effective: January 1, 2008 (retroactive); upon passage; July 1, 2008.

Landske

(HOUSE SPONSORS — PIERCE, RICHARDSON)

January 8, 2008, read first time and referred to Committee on Local Government and Elections.

January 17, 2008, amended, reported favorably — Do Pass.

January 28, 2008, read second time, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 4, 2008, read first time and referred to Committee on Elections and Apportionment.

February 21, 2008, amended, reported — Do Pass.

C
o
p
y

ES 215—LS 6781/DI 102+



criminal justice system may not be employed by a county board of voter registration. (5) Provides that a person who is subject to lawful detention but has not been convicted of a crime is eligible to register and vote until the person has been convicted of a crime and imprisoned following conviction. (6) Specifies the content of statewide voter registration system reports. (7) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (8) Permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (9) Requires that a state chairman of a political party (in addition to a county chairman) certify that a candidate is a member of the political party with which a candidate claims affiliation. (10) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (11) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (12) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (13) Allows an overseas voter to transmit an absentee ballot application by electronic mail. (14) Provides that poll clerks and assistant poll clerks may ask a voter to show proof of identification. (15) Provides that a voter who executes an affidavit at the polls and is indigent or has a religious objection to being photographed is not required to present proof of identification. (16) Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) (17) Provides that when a voter votes as an absentee voter, the voter's signature on the absentee ballot affidavit shall be compared with the signature on the voter's voter registration record. (18) Permits all absentee ballot envelopes and related voter applications that will be sent to the same precinct to be enclosed in the same carrier envelope. (19) Provides that the voting system technical oversight program account is nonreverting. (20) Provides that voters who reside within the area of a municipality located in a vote center pilot county may vote using vote center pilot county procedures. (21) Provides for the counting of an absentee ballot received by the county election board before the close of the polls on election day if the ballot is not otherwise successfully challenged. (22) Requires the secretary of state to publish an analysis of provisional voting in Indiana for each year in which a general or a municipal election is held. (23) Requires the counting of a ballot that has been marked and cast by a voter in compliance with election law, but may otherwise not be counted solely as the result of the act or failure to act of an election officer unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. (24) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (25) Requires a rejected absentee ballot to be treated as a provisional ballot. Requires the county election board to send a notice to a voter whose absentee ballot has been rejected providing certain information. Requires the county election board to meet before noon ten days after an election to provide provisional voters an opportunity to make a presentation in support of the validity of the provisional ballot and to determine which provisional ballots shall be counted. Makes certain procedural changes in processing provisional ballots. (26) Requires the judges, in the presence of the inspector, to take all

(Continued next page)

C
o
p
y



reasonable actions to register a voter's vote when the voter voting on a direct record electronic voting machine has left the voting booth without recording the voter's votes. (27) Permits a county election board to inspect the register or other recording device on an electronic voting system without obtaining the authority of the state recount commission. (28) Provides that individual votes cast by a voter for an office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted unless the straight party ticket vote is not counted. (29) Amends provisions concerning candidate ballot vacancy procedures. (30) Establishes a procedure for candidate withdrawals, challenges, and write-ins for certain elected members of a county board of tax and capital projects review. (31) Revises precinct boundary change procedures. (32) Provides that an individual elected treasurer of state takes office January 1 following the individual's election. Provides that the individual elected treasurer of state at the 2006 election vests as a member of PERF if the individual is reelected as treasurer of state at the 2010 election and serves in office until January 1, 2015. Establishes 65 years of age with at least eight years of creditable service as the normal retirement age for a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana. (33) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.) (34) Provides for the reimbursement of a county that has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system, if the purchase is eligible for reimbursement under the federal Help America Vote Act (HAVA). Requires that any HAVA money received after December 31, 2007 must be allocated to reimburse Boone, Cass, Parke, and Randolph counties. Requires the secretary of state to petition the federal Election Assistance Commission for authority to use HAVA money to reimburse the counties listed above. (35) Appropriates \$125,200 from the state general fund to match any HAVA money received by the state after December 31, 2007. (36) Repeals the following statutes: a statute providing that an absentee ballot may not be counted if the ballot does not contain initials of certain election officials; a statute relating to opening absentee ballot envelopes; a statute that requires a provisional ballot to be rejected if it does not contain certain initials; a statute imposing criminal penalties for the inspection of a voting system without the permission of the recount commission; and obsolete references concerning voting instructions, paper ballots, and special polling places.

**C
o
p
y**



February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 215

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 40.5. **(a) Except as provided in subsections**
4 **(b) and (c),** "proof of identification" refers to a document that satisfies
5 all the following:
6 (1) The document shows the name of the individual to whom the
7 document was issued, and the name conforms to the name in the
8 individual's voter registration record.
9 (2) The document shows a photograph of the individual to whom
10 the document was issued.
11 (3) The document includes an expiration date, and the document:
12 (A) is not expired; or
13 (B) expired after the date of the most recent general election.
14 (4) The document was issued by **any of the following:**
15 (A) The United States. or

ES 215—LS 6781/DI 102+



C
o
p
y

(B) The state of Indiana.

(C) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(1) otherwise complies with the requirements of subsection (a); and

(2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(c) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title.

SECTION 2. IC 3-5-2-40.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7. **The term includes an absentee ballot required to be treated as a provisional ballot under this title.**

SECTION 3. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. **(a) This section does not apply to a delinquent campaign finance filing received under IC 3-9.**

(b) This section does not apply to an application for voter registration received while registration is closed under IC 3-7.

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005~~. **2008.**

SECTION 5. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

C
o
p
y



(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.

SECTION 6. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, ~~the election division or the~~ election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

SECTION 7. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The codirectors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following **from the county general fund without appropriation:**

- (1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.
- (2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the

C
o
p
y



instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee. ~~from the county general fund without appropriation.~~

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 8. IC 3-6-6-39, AS AMENDED BY P.L.230-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-33-3; and

(B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 9. IC 3-7-12-19 IS AMENDED TO READ AS

C
o
p
y



1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. **(a) Subject to**
 2 **subsection (c)**, a board of registration may employ all necessary
 3 assistants.

4 **(b)** The number of employees shall be divided equally between the
 5 major political parties of the county.

6 **(c) A person who is:**

7 **(1) on probation;**

8 **(2) on parole;**

9 **(3) subject to home detention under IC 35-38-2.5;**

10 **(4) placed in a community corrections program under**
 11 **IC 35-38-2.6;**

12 **(5) in a community transition program under IC 11-10-11.5;**

13 **(6) participating in a postconviction forensic diversion**
 14 **program under IC 11-12-3.7;**

15 **(7) being supervised by a reentry court;**

16 **(8) serving a sentence in a minimum security assignment**
 17 **under IC 35-38-3-6; or**

18 **(9) serving an intermittent sentence;**

19 **may not be an employee of, or otherwise perform work for, a**
 20 **board of registration.**

21 SECTION 10. IC 3-7-13-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** A person
 23 who is:

24 **(1) convicted of a crime; and**

25 **(2) imprisoned following conviction;**

26 is deprived of the right of suffrage by the general assembly pursuant to
 27 Article 2, Section 8 of the Constitution of the State of Indiana.

28 **(b)** A person described in subsection (a) is ineligible to register
 29 under this article during the period that the person is:

30 **(1) imprisoned; or**

31 **(2) otherwise subject to lawful detention.**

32 **(c) A person who is subject to lawful detention but has not been**
 33 **convicted of a crime is eligible to:**

34 **(1) register under this article; and**

35 **(2) vote;**

36 **until the person has been convicted of a crime and imprisoned**
 37 **following conviction.**

38 SECTION 11. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005,
 39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 4. **(a)** The election division may provide parts
 41 and reports from the voter registration information from the
 42 computerized list for the purposes specified under IC 3-7-26.3-29.

C
O
P
Y



1 ~~However,~~

2 **(b) Except as otherwise provided in this section,** the parts and
3 reports provided under this section may not include information
4 described under section 8 of this chapter.

5 **(c) The parts and reports may contain the information described**
6 **in section 8 of this chapter if:**

7 **(1) the part or report is to be provided to an entity that:**

8 **(A) is described in section 6 of this chapter; and**

9 **(B) has previously submitted an application to the election**
10 **division and paid any required fee to obtain the complete**
11 **compilation; or**

12 **(2) the part or report is a purely statistical compilation that:**

13 **(A) includes the information described in section 8 of this**
14 **chapter; and**

15 **(B) does not include any information:**

16 **(i) concerning an individual voter; or**

17 **(ii) that would permit the identification of an individual**
18 **voter as a result of providing the compilation.**

19 **(d) The parts and reports provided under this section may not**
20 **include the complete Social Security number of any individual.**

21 SECTION 12. IC 3-7-27-6 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required
23 under 42 U.S.C. 1973gg-6(i), a county voter registration office shall
24 retain records concerning the implementation of programs and
25 activities conducted for the purpose of ensuring the accuracy and
26 currency of the voter registration list. These records include the
27 following:

28 (1) Lists of names and addresses of voters who were sent notices
29 under the voter list maintenance program.

30 (2) Information concerning whether a voter has responded to a
31 notice described by subdivision (1) as of the date the inspection
32 of the record is made.

33 (b) The county voter registration office shall retain the records
34 described by this section for at least two (2) years. Except for records
35 concerning declinations to register to vote or that indicate the identity
36 of a voter registration agency where a person registered, the county
37 voter registration office shall make the records available for public
38 inspection and photocopying at a reasonable cost as provided in
39 IC 5-14-3.

40 (c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and
41 notwithstanding any other statute, a county voter registration office
42 shall, with regard to voter registration information concerning voters

C
o
p
y



of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 13. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article;~~ (a) Each circuit court clerk or board of **county voter registration office** shall send a list of the deceased persons whose registrations have been canceled to the following upon request:

(1) The county chairman of each major political party of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 14. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article;~~ the circuit court clerk or board of (a) **Each county voter registration office shall send a notice list of disfranchised voters whose registrations have been canceled** to the following upon request:

C
o
p
y



(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 15. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit court clerk or board of~~ **(a) Each county voter registration office** shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

~~After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.~~

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 16. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if ~~a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application~~

C
o
p
y



1 is was received by the county voter registration office after
 2 December 31, 2002, and before January 1, 2006.

3 (b) This section does not apply to an individual who complies with
 4 the requirements in any of the following:

5 (1) The individual submits an application to register to vote by
 6 mail under this chapter and includes with that mailing a copy of:

7 (A) a current and valid photo identification; or

8 (B) a current utility bill, bank statement, government check,
 9 paycheck, or government document;

10 that shows the name and residence address of the voter stated on
 11 the voter registration application.

12 (2) The individual submits an application to register to vote by
 13 mail under this chapter that includes:

14 (A) the individual's Indiana driver's license number; or

15 (B) the last four (4) digits of the individual's Social Security
 16 number;

17 and the county voter registration office or election division
 18 matches the information submitted by the applicant with an
 19 existing Indiana identification record bearing the same number,
 20 name, and date of birth set forth in the voter registration
 21 application.

22 (3) The individual is an absent uniformed services voter or
 23 overseas voter.

24 (4) The individual is entitled to vote other than in person under
 25 the federal Voting Accessibility for the Elderly and Handicapped
 26 Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by
 27 the election division that a permanent or temporarily accessible
 28 polling place cannot be provided for the individual.

29 (5) The individual is entitled to vote other than in person under
 30 any other federal law.

31 (c) When a county voter registration office receives a voter
 32 registration application by mail, the office shall determine whether the
 33 applicant is subject to the requirements to provide additional
 34 documentation under this section and 42 U.S.C. 15483.

35 (d) As required by 42 U.S.C. 15483, a county voter registration
 36 office shall administer the requirements of this section in a uniform and
 37 nondiscriminatory manner.

38 (e) If the county voter registration office determines that the
 39 applicant:

40 (1) is not required to submit additional documentation under this
 41 section; or

42 (2) has provided the documentation required under this section;

C
o
p
y



the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 17. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official.~~

SECTION 18. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a) The circuit court clerk or board of county voter registration office~~ shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 19. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

- (1) naming or renaming streets;
- (2) numbering or renumbering lots or structures; and
- (3) converting rural route addresses to numbered addresses;

C
o
p
y



shall report the changes to the ~~circuit court clerk or board of county voter~~ registration office not later than the last day of the month following the month in which the change was made.

SECTION 20. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and

(2) the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 21. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) **The candidate obtains certification that the candidate is a member of the political party from** the county chairman of (i) the political party with which the candidate claims affiliation and (ii) **for** the county in which the candidate resides. ~~certifies that the candidate is a member of the political~~

C
o
p
y



~~party.~~ **If the candidate is a candidate for a legislative office or a state office, the candidate must also obtain certification from the state chairman of the political party with which the candidate claims affiliation.**

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written ~~certification~~ **certifications** of the **state chairman and the** county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate

**C
o
p
y**



signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 22. IC 3-8-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 10. **(a)** A petition required by section 8 of this chapter must be submitted to the ~~circuit court clerk or board of county voter~~ registration office during the period beginning January 1 of the year in which the primary election will be held and ending at noon seventy-seven (77) days before the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing with the secretary of state under section 5 of this chapter.

SECTION 23. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 4. **(a)** A petition required by section 2 of this chapter must be submitted to the county voter registration office during the period beginning January 1 of the year in which the primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under IC 3-8-2-4 for the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing under section 5 of this chapter.

SECTION 24. IC 3-8-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. ~~(a)~~ A certificate of nomination **executed under section 13 of this chapter** must be signed before a person authorized to administer oaths and certify the following

C
o
p
y



information:

(1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.

~~(2) The name, residence, and office of each candidate that was nominated at the convention.~~

~~(3) That each candidate for town council resides in the ward for which the person is a candidate.~~

~~(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.~~

~~(5) (2) The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).~~

~~(6) (3) The signature and residence address of the presiding officer and secretary of the convention.~~

~~(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.~~

SECTION 25. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a

C
o
p
y



campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon ~~August 20~~ **on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:**

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the

C
O
P
Y



appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 26. IC 3-8-7-11, AS AMENDED BY P.L.230-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

C
o
p
y



(1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).

(2) The coat of arms or seal of the state or of the United States.

(3) The national or state flag. ~~or~~

(4) Any other emblem common to the people.

(d) Not later than noon ~~August 20, before each general or municipal election,~~ **on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division**, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon ~~August 20,~~ **on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division**, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

SECTION 27. IC 3-8-7-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

C
o
p
y



- (B) a candidate for nomination; and
 (2) changed the candidate's legal name after:

- (A) the candidate has been nominated; or
 (B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

- (1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.
 (2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, ~~the election division~~ and each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

SECTION 28. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for state office.
 (2) A candidate's committee for legislative office.
 (3) A legislative caucus committee.
 (4) A political action committee that has filed a statement or report with the election division.
 (5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for a local office.
 (2) A candidate's committee for a school board office.
 (3) A political action committee that has filed a statement or report with the election board, unless the political action

C
o
p
y



committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee ~~and waiving any outstanding civil penalty previously imposed by the commission or board~~; if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.~~

~~(C)~~ (B) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee to be wasteful or unjust;

C
o
p
y



1 **the commission or board may also waive the outstanding civil**
 2 **penalty previously imposed by the commission or board**
 3 **against the committee.**

4 ~~(5)~~ (6) The election division shall arrange for the publication in
 5 the Indiana Register of an order administratively disbanding a
 6 committee. A county election board shall publish a notice under
 7 IC 5-3-1 stating that the board has disbanded a committee under
 8 this subsection. The notice must state the date of the order and the
 9 name of the committee, but the board is not required to publish
 10 the text of the order.

11 ~~(6)~~ (7) An order issued under this subsection takes effect
 12 immediately upon its adoption, unless otherwise specified in the
 13 order.

14 (f) If the chairman or treasurer of a committee wishes to disband the
 15 committee, the committee must do either of the following:

16 (1) Give written notification of the dissolution and transfer a
 17 surplus of contributions less expenditures to any one (1) or a
 18 combination of the following:

19 (A) One (1) or more regular party committees.

20 (B) One (1) or more candidate's committees.

21 (C) The election division.

22 (D) An organization exempt from federal income taxation
 23 under Section 501 of the Internal Revenue Code.

24 (E) Contributors to the committee, on a pro rata basis.

25 (2) Use the surplus in any other manner permitted under
 26 IC 3-9-3-4.

27 (g) Except as provided in subsection (e) concerning the waiver of
 28 civil penalties, a dissolution or transfer of funds does not relieve the
 29 committee or the committee's members from **any**:

30 **(1) civil liability, including the liability of the committee's**
 31 **chairman or treasurer for the payment of any debts incurred**
 32 **by or on behalf of the committee; or**

33 **(2) criminal liability.**

34 SECTION 29. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,
 35 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e),
 37 a voter who desires to vote an official ballot at a primary election shall
 38 provide proof of identification.

39 (b) Except as provided in subsection (e), before the voter proceeds
 40 to vote in a primary election, a ~~member of the precinct election board~~
 41 **officer** shall ask the voter to provide proof of identification. The voter
 42 must produce the proof of identification before being permitted to sign

C
o
p
y



the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in a primary election.

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

SECTION 30. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

C
o
p
y



SECTION 31. IC 3-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election~~ **on the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot**. If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 32. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or a shape file** that identifies the visible feature that forms the boundary.

SECTION 33. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, ~~the election division or the election board~~ may print ballots containing the name of the new candidate.

(b) If ~~the election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number

C
o
p
y



of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pasters may not be given to or received by any person except the ~~co-directors of the election division~~ (or the election board and the board's chairman.

(c) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the ~~division or the~~ board is not required to reprint ballots to reflect the change of legal name.

SECTION 34. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as otherwise provided in this article; a voter voting by absentee ballot must vote

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ sections 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 35. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C
o
p
y



UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot;~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following

**C
o
p
y**



information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

C
o
p
y



(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 36. IC 3-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Applications may be made:

(1) in person;

(2) by fax transmission; ~~or~~

(3) by mail; ~~or~~

(4) by electronic mail with a scanned image of the application and signature of the applicant, if transmitted by an overseas voter acting under section 6 of this chapter;

on application forms furnished by the county election board or approved by the commission.

(b) Application forms shall:

~~(1) be furnished to all central committees in the county no later than:~~

~~(A) June 15, for a general election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the primary election; or~~

~~(B) January 15, for a primary election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the general election;~~

~~(2) (1) be:~~

~~(A) mailed; or~~

~~(B) transmitted by fax; or~~

(C) transmitted by electronic mail with a scanned image of the application;

upon request, to a voter applying by mail, by telephone, by **electronic mail**, or by fax; and

~~(3) (2) be delivered to a voter in person who applies at the circuit court clerk's office.~~

(c) The county election board shall:

(1) accept; and

(2) transmit;

applications for absentee ballots under subsection (a) by fax ~~or electronic mail, if the county election board has access to a fax machine or electronic mail~~. A county election board shall accept an application for an absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other

C
o
p
y



1 than the person submitting the application.

2 SECTION 37. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
3 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the~~
5 ~~qualifications described in IC 3-11-10-24 that entitle a voter to cast an~~
6 ~~absentee ballot by mail;~~ The county election board shall, at the request
7 of the voter, mail the official ballot, postage fully prepaid, to the voter
8 at the address stated in the application.

9 (b) If the county election board mails an absentee ballot to a voter
10 required to file additional documentation with the county voter
11 registration office before voting by absentee ballot under this chapter,
12 the board shall include a notice to the voter in the envelope mailed to
13 the voter under section 20 of this chapter. The notice must inform the
14 voter that the voter must file the additional documentation required
15 under IC 3-7-33-4.5 with the county voter registration office not later
16 than noon on election day for the absentee ballot to be counted as an
17 absentee ballot, and that, if the documentation required under
18 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
19 ballot will be processed as a provisional ballot. The commission shall
20 prescribe the form of this notice under IC 3-5-4-8.

21 (c) Except as provided in section 18.5 of this chapter, the ballot
22 shall be mailed:

- 23 (1) on the day of the receipt of the voter's application; or
- 24 (2) not more than five (5) days after the date of delivery of the
- 25 ballots under section 15 of this chapter;

26 whichever is later.

27 (d) In addition to the ballot mailed under subsection (c), the county
28 election board shall mail a special absentee ballot for overseas voters.

29 (e) Except as provided in section 18.5 of this chapter, the ballot
30 described in subsection (d):

- 31 (1) must be mailed:
- 32 (A) on the day of the receipt of the voter's application; or
- 33 (B) not more than five (5) days after the latest date for delivery
- 34 of the ballots under section 13(b) of this chapter applicable to
- 35 that election;

36 whichever is later; and

- 37 (2) may not be mailed after the absentee ballots described by
- 38 section 13(a) of this chapter have been delivered to the circuit
- 39 court clerk or the clerk's authorized deputy.

40 (f) As required by 42 U.S.C. 15481, an election board shall establish
41 a voter education program (specific to a paper ballot or optical scan
42 ballot card provided as an absentee ballot under this chapter) to notify

C
O
P
Y



1 a voter of the effect of casting multiple votes for a single office.

2 (g) As provided by 42 U.S.C. 15481, when an absentee ballot is
3 mailed under this section, the mailing must include:

4 (1) information concerning the effect of casting multiple votes for
5 an office; and

6 (2) instructions on how to correct the ballot before the ballot is
7 cast and counted, including the issuance of replacement ballots.

8 SECTION 38. IC 3-11-6.5-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive
10 reimbursement for the purchase of voting systems under this chapter,
11 a county must file an application with the election division, in the form
12 required by the election division. The secretary of state with the
13 consent of the co-directors of the election division shall review the
14 application and make a recommendation to the budget committee
15 regarding the application. If a county filed an application under section
16 3 of this chapter (repealed) not later than January 31, 2003, the
17 application may be amended to comply with this chapter or the county
18 may file a new application under this subsection.

19 (b) The budget agency, after review by the budget committee, shall
20 approve a county's application for reimbursement under this chapter if
21 the budget agency determines ~~either~~ **any** of the following:

22 (1) The county has purchased or will purchase a new voting
23 system or an upgrade or expansion of an existing voting system
24 to comply with HAVA that would be eligible for reimbursement
25 under HAVA and this chapter from any fund account.

26 (2) The county purchased a new voting system or an upgrade or
27 expansion of the county's existing voting system after January 1,
28 1998, and before July 1, 2001, that would not qualify for
29 reimbursement from federal funds received under HAVA, and the
30 new voting system or upgrade or expansion of the county's
31 existing voting system enhanced all of the following:

32 (A) Reliability of the county's voting system.

33 (B) Efficiency of the county's voting system.

34 (C) Ease of use of the county's voting system by voters.

35 (D) Public confidence in the county's voting system.

36 **(3) The county has purchased or will purchase a new voting**
37 **system to replace a voting system that the county cannot use**
38 **because the county is unable to obtain technical or other**
39 **operating support for its current voting system. This**
40 **subdivision applies only if the purchase of a new voting**
41 **system is eligible for reimbursement under HAVA.**

42 SECTION 39. IC 3-11-8-2 IS AMENDED TO READ AS

C
o
p
y



FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, ~~or IC 3-10-12. or at a special voting poll under section 6.5 of this chapter.~~

SECTION 40. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

~~(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.~~

SECTION 41. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

~~(1) For each precinct, state whether the polls are located in an accessible facility.~~

~~(2) If special polling places are designated under section 6.5 of this chapter:~~

~~(A) the location of each special polling place; and~~

~~(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.~~

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires

C
o
p
y



after the election.

SECTION 42. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 43. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board~~ officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in an election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in an election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

C
o
p
y



(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 44. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

**C
o
p
y**



UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 45. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 46. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election

C
o
p
y



boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election boards to board shall vote the ballots received during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

(2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 47. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** Subject to section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final

C
o
p
y



1 delivery of the ballots to the precincts on election day **shall be**
 2 **delivered to the county election board for counting.**

3 **(b) An absentee ballot delivered to the county election board**
 4 **under subsection (a) shall be counted by the county election board**
 5 **if the ballot is not otherwise successfully challenged under this title.**

6 **(c) The election returns from the precinct shall be adjusted to**
 7 **reflect the votes on an absentee ballot required to be counted under**
 8 **subsection (b).**

9 **(d) Except as provided in subsection (e), absentee ballots**
 10 **received by the county election board after the close of the polls on**
 11 **election day are considered as arriving too late and ~~need~~ may not be**
 12 **delivered to the polls: counted.**

13 **(e) Absentee ballots received by the precinct election board as**
 14 **described in section 12(b) of this chapter after the close of the polls**
 15 **shall be returned to the county election board and be counted as**
 16 **provided in this section.**

17 SECTION 48. IC 3-11-10-15 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time
 19 between the opening and closing of the polls on election day, the
 20 inspector, in the presence of the precinct election board, shall do all of
 21 the following:

- 22 (1) Open the outer or carrier envelope containing an absentee
 23 ballot envelope and application.
- 24 (2) Announce the absentee voter's name.
- 25 (3) Compare the signature upon the ~~application~~ **voter's affidavit**
 26 **of registration** with the signature upon the affidavit on the ballot
 27 envelope or transmitted affidavit attached to the ballot envelope.

28 SECTION 49. IC 3-11-10-17, AS AMENDED BY P.L.198-2005,
 29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2008]: Sec. 17. (a) If the inspector finds under section 15 of
 31 this chapter that any of the following applies, ~~a the inspector shall~~
 32 **direct that the absentee ballot may not be accepted or counted:**
 33 **processed as a provisional ballot under IC 3-11.7:**

- 34 (1) The affidavit is insufficient or the ballot has not been endorsed
 35 with the initials of:
 - 36 (A) the two (2) members of the absentee voter board in the
 37 office of the circuit court clerk under IC 3-11-4-19 or section
 38 27 of this chapter;
 - 39 (B) the two (2) members of the absentee voter board visiting
 40 the voter under section 25(b) of the chapter; or
 - 41 (C) the two (2) appointed members of the county election
 42 board or their designated representatives under IC 3-11-4-19.

C
o
p
y



(2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by:

(1) the absentee voter board under section 25(b) of this chapter;

(2) a member of the voter's household; or

(3) an individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).

SECTION 50. IC 3-11-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~Each~~ **(a) An absentee** ballot not accepted or counted for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be **replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot**

C
o
p
y



envelope shall be securely sealed and endorsed with the words:
 "Rejected (giving the reason or reasons therefor)": **for the rejection**".

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write the words:
~~"Defective "~~**Absentee ballots to be processed as provisional ballots"**.

The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. ~~The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and unc~~**ast at the election.**

SECTION 51. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

C
o
p
y



(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

C
O
P
Y



(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 52. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of the voter:~~

(1) **has an** illness or injury; ~~or~~

(2) **is** caring for a confined person at a private residence; **or**

(3) is subject to lawful detention but has not been convicted of a crime;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a

C
o
p
y



1 voter who is confined due to illness or injury and will be outside the
 2 county on election day in accordance with the procedures set forth in
 3 subsection (b).

4 (e) As provided by 42 U.S.C. 15481, a voter casting an absentee
 5 ballot under this section must be:

6 (1) permitted to verify in a private and independent manner the
 7 votes selected by the voter before the ballot is cast and counted;

8 (2) provided with the opportunity to change the ballot or correct
 9 any error in a private and independent manner before the ballot is
 10 cast and counted, including the opportunity to receive a
 11 replacement ballot if the voter is otherwise unable to change or
 12 correct the ballot; and

13 (3) notified before the ballot is cast regarding the effect of casting
 14 multiple votes for the office and provided an opportunity to
 15 correct the ballot before the ballot is cast and counted.

16 (f) As provided by 42 U.S.C. 15481, when an absentee ballot is
 17 provided under this section, the board must also provide the voter with:

18 (1) information concerning the effect of casting multiple votes for
 19 an office; and

20 (2) instructions on how to correct the ballot before the ballot is
 21 cast and counted, including the issuance of replacement ballots.

22 (g) This subsection applies to a voter who applies to vote an
 23 absentee ballot by mail. The county election board shall include a copy
 24 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
 25 to the voter.

26 SECTION 53. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
 27 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As an alternative to
 29 voting by mail, a voter is entitled to cast an absentee ballot before an
 30 absentee voter board:

31 (1) in the office of the circuit court clerk (or board of elections
 32 and registration in a county subject to IC 3-6-5.2); or

33 (2) at a satellite office established under section 26.3 of this
 34 chapter.

35 (b) The voter must:

36 (1) sign an application on the form prescribed by the commission
 37 under IC 3-11-4-5.1; and

38 (2) provide proof of identification;

39 before being permitted to vote. The application must be received by the
 40 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

41 (c) The voter may vote before the board not more than ~~twenty-nine~~
 42 **(29) twenty-eight (28)** days nor later than noon on the day before

C
o
p
y



election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of

C
o
p
y



1 identification provided by the voter does not qualify as proof of
 2 identification under IC 3-5-2-40.5;
 3 the voter shall be permitted to cast an absentee ballot, and the voter's
 4 absentee ballot shall be treated as a provisional ballot.

5 **(j) The county election board, by unanimous vote of the entire**
 6 **membership of the board, may adopt a resolution providing that**
 7 **absentee ballots be cast at satellite offices instead of in the office of**
 8 **the circuit court clerk (or board of elections and registration in a**
 9 **county subject to IC 3-6-5.2).**

10 SECTION 54. IC 3-11-10-34 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec 34. If ~~an envelope~~
 12 ~~containing~~ an absentee ballot has been marked "~~Rejected as defective~~"
 13 **rejected under section 17 of this chapter** and the voter appears in
 14 person at the precinct before the polls close, the voter may vote as any
 15 other voter voting in person. **A notation shall be made on the**
 16 **absentee ballot envelope of the rejected absentee ballot that the**
 17 **voter appeared at the polls.**

18 SECTION 55. IC 3-11-13-31.6 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 31.6. Whenever a ballot card**
 21 **voting system is used in a precinct and a ballot form prescribed by**
 22 **this title refers to a voting mark, the county election board shall**
 23 **approve voting instructions indicating that a specific type of**
 24 **marking device is employed on the system to indicate a vote.**

25 SECTION 56. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005,
 26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have
 28 the names of all candidates for all elected offices, political party
 29 offices, and public questions printed on ballot labels for use in an
 30 electronic voting system as provided in this chapter.

31 (b) The county may:

- 32 (1) print all offices and public questions on a single ballot label;
- 33 and
- 34 (2) include a ballot variation code to ensure that the proper
- 35 version of a ballot label is used within a precinct.

36 (c) Each type of ballot label or paster must be of uniform size and
 37 of the same quality and color of paper (except as permitted under
 38 IC 3-10-1-17).

39 (d) The nominees of a political party or an independent candidate
 40 or independent ticket (described in IC 3-11-2-6) nominated by
 41 petitioners must be listed on the ballot label with the name and device
 42 set forth on the certification or petition. The circle containing the

C
o
p
y



device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. **A space for**

C
o
p
y



write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

C
o
p
y



(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 57. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 58. IC 3-11-14-28.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28.5. (a) This section applies**

C
o
p
y



1 if it is discovered, after a voter leaves the voting booth, that the
2 voter has failed to register the voter's votes.

3 (b) The judges, in the presence of the inspector, shall take all
4 reasonable action to register the voter's votes. The judges shall
5 attempt to register the votes without viewing any of the votes.
6 However, the voter's votes are not void if either of the judges or the
7 inspector sees any of the votes during an attempt to register the
8 votes.

9 (c) The judges may not alter any of the voter's votes in
10 performing the duty described in this section.

11 (d) If the judges are unable to register the voter's votes as
12 provided in this section:

13 (1) the votes shall be canceled; and

14 (2) the voter may not vote again at the election.

15 (e) A record of the occurrence and the results of the attempt to
16 register the voter's votes shall be made on the poll list.

17 SECTION 59. IC 3-11-15-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each application
19 for certification of a voting system shall be accompanied by a fee of
20 one thousand five hundred dollars (\$1,500). All fees collected under
21 this section shall be deposited with the treasurer of state in the
22 voting system technical oversight program account established by
23 IC 3-11-17-6.

24 SECTION 60. IC 3-11-17-6, AS ADDED BY P.L.221-2005,
25 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight
27 program account is established with the state general fund to provide
28 money for administering and enforcing IC 3-11-7, IC 3-11-7.5,
29 IC 3-11-15, ~~IC 3-11-16~~, IC 3-11-16, and this chapter.

30 (b) The election division shall administer the account. With the
31 approval of the budget agency, funds in the account are available to
32 augment and supplement the funds appropriated to the election division
33 for the purposes described in this section.

34 (c) The expenses of administering the account shall be paid from the
35 money in the account.

36 (d) The account consists of the following:

37 (1) All civil penalties collected under this chapter.

38 (2) Fees collected under IC 3-11-15-4.

39 (3) Contributions to the account made in accordance with a
40 settlement agreement executed with a voting system vendor.

41 (e) Money in the account at the end of a state fiscal year does not
42 revert to the state general fund.

C
o
p
y



SECTION 61. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot county, **a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.**

SECTION 62. IC 3-11.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter:

- (1) IC 3-11-4-22.
- (2) IC 3-11-10-1.5.
- (3) IC 3-11-10-3.
- (4) IC 3-11-10-5.
- (5) IC 3-11-10-6.
- (6) IC 3-11-10-7.
- (7) IC 3-11-10-8.
- (8) IC 3-11-10-9.
- (9) IC 3-11-10-11.
- (10) IC 3-11-10-12.
- (11) IC 3-11-10-13.
- (12) IC 3-11-10-14.
- (13) IC 3-11-10-15.
- (14) IC 3-11-10-16.
- (15) IC 3-11-10-17.
- (16) IC 3-11-10-18.
- (17) IC 3-11-10-20.
- (18) IC 3-11-10-21.
- (19) IC 3-11-10-22.
- (20) IC 3-11-10-23.
- (21) IC 3-11-10-31.
- (22) IC 3-11-10-32.
- (23) IC 3-11-10-33.
- (24) IC 3-11-10-34.
- ~~(25) IC 3-11-10-35.~~

C
o
p
y



1 ~~(26)~~ (25) IC 3-11-10-36.

2 ~~(27)~~ (26) IC 3-11-10-37.

3 ~~(28)~~ (27) IC 3-12-2.

4 ~~(29)~~ (28) IC 3-12-3-12.

5 SECTION 63. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,
6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter,
8 absentee ballots received by mail (or by fax or electronic mail under
9 IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are
10 considered as arriving too late and may not be counted.

11 SECTION 64. IC 3-11.5-4-11 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time
13 after the couriers return the certificate under section 9 of this chapter,
14 absentee ballot counters appointed under section 22 of this chapter, in
15 the presence of the county election board, shall, except for a ballot
16 rejected under section 13 of this chapter:

- 17 (1) open the outer or carrier envelope containing an absentee
18 ballot envelope and application;
- 19 (2) announce the absentee voter's name; and
- 20 (3) compare the signature upon the ~~application with the signature~~
21 ~~upon the~~ affidavit on the ballot envelope or transmitted affidavit
22 **with the signature on the voter's affidavit of registration.**

23 SECTION 65. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005,
24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2008]: Sec. 13. (a) If the absentee ballot counters find under
26 section 11 of this chapter that any of the following applies, the ballots
27 shall be ~~rejected~~ **processed as provisional ballots under IC 3-11.7:**

- 28 (1) The affidavit is insufficient or that the ballot has not been
29 endorsed with the initials of:
 - 30 (A) the two (2) members of the absentee voter board in the
31 office of the clerk of the circuit court under IC 3-11-4-19 or
32 IC 3-11-10-27;
 - 33 (B) the two (2) members of the absentee voter board visiting
34 the voter under IC 3-11-10-25; or
 - 35 (C) the two (2) appointed members of the county election
36 board or their designated representatives under IC 3-11-4-19.
- 37 (2) The signatures do not correspond or there is no signature.
- 38 (3) The absentee voter is not a qualified voter in the precinct.
- 39 (4) The absentee voter has voted in person at the election.
- 40 (5) The absentee voter has not registered.
- 41 (6) The ballot is open or has been opened and resealed. This
42 subdivision does not permit an absentee ballot transmitted by fax

C
o
p
y



or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 66. IC 3-11.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~Each~~ **An** ~~absentee~~ ballot rejected for any of the reasons prescribed by section 13 of this chapter shall, without being unfolded to disclose how the ballot is marked, be **replaced in the absentee ballot envelope in which the**

C
o
p
y



1 **ballot was contained. The absentee ballot envelope shall be securely**
 2 **sealed and** endorsed with the words: "Rejected (giving the reason or
 3 reasons for the rejection)".

4 (b) All rejected absentee ballots shall be enclosed and securely
 5 sealed in an envelope on which the absentee ballot counters shall write
 6 the words: **"Rejected" Absentee ballots to be processed as provisional**
 7 **ballots"**. The absentee ballot counters shall also identify the precinct
 8 and the date of the election on the envelope containing the rejected
 9 ballots.

10 (c) ~~The rejected absentee ballots shall be returned to the same~~
 11 ~~officer and in the same manner as prescribed by this title for the return~~
 12 ~~and preservation of official ballots cast and uncast at the election.~~

13 SECTION 67. IC 3-11.5-4-21 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. If an envelope
 15 containing an absentee ballot has been marked "Rejected" **rejected**
 16 **under section 14 of this chapter** and the voter appears in person at the
 17 precinct before the polls close, the voter may vote as any other voter
 18 voting in person if the voter presents the precinct election board with
 19 the certificate issued under ~~section 13(c)~~ **section 13(f)** of this chapter.
 20 **A notation shall be made on the absentee ballot envelope of the**
 21 **rejected absentee ballot that the voter appeared at the polls.**

22 SECTION 68. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
 23 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) ~~As provided by 42 U.S.C.~~
 25 ~~15482~~; This section applies to the following individuals:

26 (1) An individual:

- 27 (A) whose name does not appear on the registration list; and
- 28 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
- 29 voter makes an oral or a written affirmation under IC 3-7-48-5
- 30 or IC 3-7-48-7 or after the voter produces a certificate of error
- 31 under IC 3-7-48-1.

32 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 33 IC 3-11-8-27.5 who is challenged as not eligible to vote.

34 (3) An individual who seeks to vote in an election as a result of a
 35 court order (or any other order) extending the time established for
 36 closing the polls under IC 3-11-8-8.

37 **(4) An individual whose absentee ballot has been rejected**
 38 **under IC 3-11-10-17 or IC 3-11.5-4-13.**

39 (b) As required by 42 U.S.C. 15483, a voter who has registered to
 40 vote but has not:

- 41 (1) presented identification required under 42 U.S.C. 15483 to the
- 42 poll clerk before voting in person under IC 3-11-8-25.1; or

C
o
p
y



(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast; is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

(e) An absentee ballot rejected under IC 3-11-10-17 or IC 3-11.5-4-13 shall be treated as a provisional ballot under this article. The county election board shall send a notice to the voter at the address indicated on the voter's absentee ballot application giving the following information:

(1) That the voter's absentee ballot was rejected.

(2) The reasons for rejection of the voter's absentee ballot.

(3) That the voter's absentee ballot will be treated as a provisional ballot.

(4) That the county election board will have a meeting to determine whether provisional ballots shall be counted.

(5) The date, time, and place of the meeting described in subdivision (4).

(6) That the voter will be given an opportunity to support the validity of the absentee ballot.

(7) That the county election board may limit the voter's presentation. The county election board must grant a voter at least five (5) minutes to make a presentation.

SECTION 69. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ten (10) days following the election.

(c) The county election board shall meet before noon on the date described in subsection (b) to do the following:

(1) Provide voters who have cast provisional ballots an

**C
o
p
y**



opportunity to make a presentation in support of the validity of the provisional ballot.

(2) Determine which provisional ballots shall be counted.

SECTION 70. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in section 5 of this chapter;~~ If the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot **unless:**

(1) the voter appears at the meeting held under section 1 of this chapter; and

(2) the board determines, based on the voter's presentation, that the voter was validly registered.

If the board determines that the voter was not properly registered, the board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~Except as provided in section 5 of this chapter;~~ A provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that

C
o
p
y



the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 71. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear ~~before the circuit court clerk or the~~ **at the** county election board ~~not later than the deadline specified by meeting held under~~ section 1 of this chapter for the county election board to determine whether to count a provisional ballot. **The voter may also appear before the circuit court clerk before the county election board meeting to provide proof of identification and execute the affidavit as required under subsection (b).**

(b) Except as provided in subsection (c), ~~or (c);~~ if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:~~

~~(1) the voter is the same individual who:~~

~~(A) personally appeared before the precinct election board; and~~

~~(B) cast the provisional ballot on election day; and~~

~~(2) the voter:~~

~~(A) is:~~

~~(i) indigent; and~~

~~(ii) unable to obtain proof of identification without the payment of a fee; or~~

~~(B) has a religious objection to being photographed;~~

C
o
p
y



the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board:

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter:

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) described in section 1 of this chapter to:

(1) appear before the county election board or the circuit court clerk; and

(2) execute an affidavit in the manner prescribed by subsection (b); or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 72. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) **This section applies** if the board determines **any of the following:**

(1) That the affidavit executed by the provisional voter has not been properly executed.

(2) That the provisional voter is not a qualified voter of the precinct.

(3) That the **provisional** voter failed to provide proof of identification when required under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26. or

(4) That the provisional voter did not register to vote at a

C
o
p
y



1 registration agency under this article on a date within the
2 registration period.

3 **(5) That the provisional voter's absentee ballot is not entitled**
4 **to be counted under this title.**

5 **(b)** The board shall make the following findings:

6 (1) The provisional ballot is invalid.

7 (2) The provisional ballot may not be counted.

8 (3) The provisional ballot envelope containing the ballots cast by
9 the provisional voter may not be opened.

10 ~~(b)~~ **(c)** If the county election board determines that a provisional
11 ballot is invalid, a notation shall be made on the provisional ballot
12 envelope: "Provisional ballot determined invalid".

13 SECTION 73. IC 3-11.7-5-19 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. As soon as the
15 ballots have been counted, the counters shall do the following in the
16 presence of the county election board:

17 (1) Place in a strong paper envelope or bag the following:

18 (A) All provisional ballots, voted and spoiled.

19 (B) All provisional ballots

20 ~~(i)~~ determined invalid under section 3 of this chapter. ~~or~~

21 ~~(ii) rejected under section 5 of this chapter.~~

22 (C) All protested and uncounted provisional ballots.

23 (D) All provisional ballot envelopes.

24 (E) All executed affidavits relating to the provisional ballots.

25 (F) The tally papers.

26 (2) Securely seal the envelope or bag.

27 (3) Have both counters initial the envelope or bag.

28 (4) Plainly mark on the outside of the envelope or bag in ink the
29 precinct in which the provisional ballots were cast.

30 (5) Deliver the envelope or bag to the circuit court clerk.

31 (6) Notify the circuit court clerk of the number of ballots placed
32 in the envelope or bag.

33 SECTION 74. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2008]:

36 **Chapter 7. Evaluation of Provisional Voting**

37 **Sec. 1. Not later than January 31 following each year in which**
38 **a general or municipal election is held, the secretary of state shall**
39 **publish an analysis of provisional voting in Indiana for that**
40 **election year.**

41 **Sec. 2. The analysis required by section 1 of this chapter must**
42 **contain the following information:**

C
o
p
y



- (1) The number of provisional ballots cast by county.
- (2) The reasons that provisional ballots were cast. The analysis may group the reasons for casting provisional ballots by category.
- (3) The number of provisional ballots counted and the number of provisional ballots not counted, by category.
- (4) Measures of variance in casting of provisional ballots by county.
- (5) Length of time to check validity and count provisional ballots by county.
- (6) The variation in the use of provisional ballots among all counties.

Sec. 3. The analysis required by section 1 of this chapter must consider the following questions:

- (1) Whether the provisional ballot system distributes, collects, records, and counts provisional votes with acceptable accuracy.
- (2) Whether the provisional ballot system counts all votes cast by properly registered voters who have correctly completed all steps to cast a vote.
- (3) Whether the provisional ballot system is structured sufficiently to perform well when the number of votes cast for opposing candidates is close.
- (4) Whether the procedural requirements of the provisional ballot system permit a cost efficient, accurate, and timely operation.
- (5) Whether the variation in the use of provisional ballots throughout Indiana is great enough to raise concern that the provisional ballot system is not administered uniformly across Indiana.

Sec. 4. The county election board of each county shall collect and send to the secretary of state any information about the use of provisional ballots in the county as required by the secretary of state.

SECTION 75. IC 3-12-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Subject to sections 5, 6, 8, 9, **and 9.5** ~~and 13~~ of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on

**C
o
p
y**



a public question, then the voter's vote concerning those candidates or public questions may not be counted.

SECTION 76. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a voter:

- (1) votes a straight party ticket; and
- (2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to an office; and
- (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party; and
- (2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates;

(B) candidates of a political party other than the political party

C
o
p
y



- 1 for which the voter cast a straight party ticket under
 2 subdivision (1); or
 3 (C) a combination of candidates described in clauses (A) and
 4 (B).

5 The individual votes cast by the voter for the office for the independent
 6 candidates and the candidates of a political party other than the
 7 political party for which the voter cast a straight party ticket shall be
 8 counted. The straight party ticket vote cast by that voter for that office
 9 shall be counted unless the total number of votes cast for the office by
 10 the voter, when adding the voter's votes for the individual candidates
 11 for the office and the voter's straight party ticket votes for the office, is
 12 greater than the number of persons to be elected to the office. If the
 13 total number of votes cast for the office is greater than the number of
 14 persons to be elected to the office, the straight party ticket votes for the
 15 office may not be counted. The straight party ticket votes for other
 16 offices on the voter's ballot shall be counted.

- 17 (e) This subsection applies whenever:
 18 (1) a voter has voted a straight party ticket for the candidates of
 19 one (1) political party;
 20 (2) more than one (1) person may be elected to an office; and
 21 (3) the voter has voted for individual candidates for the office
 22 described in subdivision (2) who are:
 23 (A) independent candidates or candidates of a political party
 24 other than the political party for which the voter cast a straight
 25 party ticket under subdivision (1); and
 26 (B) candidates of the same political party for which the voter
 27 cast a straight party ticket under subdivision (1).

28 The individual votes cast by the voter for the office for the independent
 29 candidates and the candidates of a political party other than the
 30 political party for which the voter cast a straight party ticket shall be
 31 counted. The individual votes cast by the voter for the office for the
 32 candidates of the same political party for which the voter cast a straight
 33 party ticket may not be counted **unless the straight party ticket vote**
 34 **is not counted.** The straight party ticket vote cast by that voter for that
 35 office shall be counted unless the total number of votes cast for the
 36 office by the voter, when adding the voter's votes for the individual
 37 candidates for the office and the voter's straight party ticket vote for the
 38 office is greater than the number of persons to be elected to the office.
 39 If the total number of votes cast for the office is greater than the
 40 number of persons to be elected to the office, the straight party ticket
 41 votes for that office may not be counted. The straight party ticket votes
 42 for other offices on the voter's ballot shall be counted.

C
o
p
y



(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 77. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) ~~Except as provided in section 13 of this chapter,~~ A ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless shall~~ be counted in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

SECTION 78. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

SECTION 79. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

C
o
p
y



(1) the chairman of the caucus **or committee conducting a meeting under this chapter**; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting**.

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 80. IC 3-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

(1) establish the ~~caucus~~ rules of procedure **for the caucus or meeting**, except as otherwise provided in this chapter; and

(2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

(b) If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

SECTION 81. IC 3-13-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The state chairman **(or a person designated by the state chairman)** shall preside over a caucus meeting held under this chapter.

(b) A person who desires to be a candidate to fill a vacancy under this chapter must file:

(1) a declaration of candidacy with the chairman of the caucus; and

(2) a statement of economic interests under IC 2-2.1-3-2 with the secretary of the senate or principal clerk of the house of representatives;

at least seventy-two (72) hours before the time fixed for the caucus.

(c) In addition to the procedures prescribed by this chapter, the chairman and precinct committeemen may adopt rules of procedure that are necessary to conduct business.

C
o
p
y



1 SECTION 82. IC 4-8.1-2-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) The**
 3 **individual elected as treasurer of state shall take office on January**
 4 **1 following the individual's election.**

5 **(b)** The treasurer of state and ~~his~~ the deputy treasurers shall each
 6 give bond in an amount determined by the auditor of state and the
 7 governor. The bond shall be conditioned on the faithful performance
 8 of the duties as treasurer of state and deputy treasurer, respectively.
 9 The bond must be procured from a surety company authorized by law
 10 to transact business in this state.

11 SECTION 83. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),
 14 "vested status" as used in this article means the status of having ten
 15 (10) years of creditable service.

16 (b) In the case of a person who is an elected county official whose
 17 governing body has provided for the county official's participation in
 18 the public employees' retirement fund under IC 5-10.3-7-2(1), "vested
 19 status" means the status of having:

20 (1) at least eight (8) years of creditable service as an elected
 21 county official in an office described in IC 5-10.2-4-1.7;

22 (2) been elected at least two (2) times if the person would have
 23 had at least eight (8) years of creditable service as an elected
 24 county official in an office described in IC 5-10.2-4-1.7 had the
 25 person's term of office not been shortened under a statute enacted
 26 under Article 6, Section 2(b) of the Constitution of the State of
 27 Indiana; or

28 (3) at least ten (10) years of creditable service as a member of the
 29 fund based on a combination of service as an elected county
 30 official and as a full-time employee in a covered position.

31 (c) In the case of a person whose term of office commences after the
 32 election on November 5, 2002, as auditor of state, secretary of state, or
 33 treasurer of state, and who is prohibited by Article 6, Section 1 of the
 34 Constitution of the State of Indiana from serving in that office for more
 35 than eight (8) years during any period of twelve (12) years, that person
 36 shall be vested with at least eight (8) years of creditable service as a
 37 member of the fund.

38 **(d) This subsection applies to an individual elected to the office**
 39 **of treasurer of state at the election on November 7, 2006. The**
 40 **individual shall have vested status if the individual is reelected as**
 41 **treasurer of state at the 2010 general election and serves in the**
 42 **office until January 1, 2015.**

C
o
p
y



SECTION 84. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only to a member of the public employees' retirement fund:**

(1) who has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) whose term of office as a state officer commenced after the election held on November 5, 2002.

(b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:

(1) has:

(A) served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana for at least eight (8) years; or

(B) been elected at least two (2) times and would have served at least eight (8) years as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana had the member's term of office not been shortened under a statute enacted to establish uniform dates for beginning the terms of state officers listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.

(c) A member who:

(1) has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and

(2) does not meet the requirements of subsection (b);

is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter.

SECTION 85. IC 6-1.1-29-2, AS AMENDED BY P.L.224-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2. (a) The seven (7) members of the county board of tax adjustment shall be appointed before April 15th of each year, and their appointments shall continue in effect until April 15th of the following year. The four (4) freehold members of the county board of tax adjustment may not be, or have been during the year preceding their appointment, an official or employee of a political subdivision. The four (4) freehold members shall be appointed in such a manner that no more than four (4) of the board members are members of the same**

**C
o
p
y**



political party. This subsection expires December 31, 2008.

(b) The following apply, notwithstanding any other provision:

(1) A member may not be appointed to a county board of tax adjustment after December 31, 2008.

(2) The term of a member of a county board of tax adjustment serving on December 31, 2008, expires on December 31, 2008.

(3) Each county board of tax adjustment is abolished on December 31, 2008.

(c) On or before December 31 of 2008 and each even-numbered year thereafter, each person or entity required to make an appointment to a county board of tax and capital projects review under section 1.5 of this chapter shall make the required appointment or appointments of members who will represent the person or entity on the county board of tax and capital projects review. The appointments take effect January 1 of the following odd-numbered year and continue in effect until December 31 of the following even-numbered year. If a member is to be appointed by one (1) entity, the appointment must be made by a majority vote of the fiscal body in official session. If a member is to be appointed by more than one (1) entity, the appointment must be made by a majority vote of the total members of the entities taken in joint session. If:

(1) a person or entity fails; or

(2) the entities, in the case of a joint appointment, fail;

to make a required appointment of a member by December 31 of an even-numbered year, the county fiscal body shall make the appointment.

(d) This subsection does not apply to a county containing a consolidated city. At the general election in 2008 and every four (4) years thereafter, the voters of each county shall under IC 3-11-2-12.8 elect two (2) individuals who are residents of the county as members of the county board of tax and capital projects review. The term of office of a member elected under this subsection begins January 1 of the year following the member's election and ends December 31 of the fourth year following the member's election. The two (2) members who are elected for a position on the county board of tax and capital projects review are determined as follows:

(1) The members shall be elected on a nonpartisan basis.

(2) Each prospective candidate must file a nomination petition with the county election board not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the election at which the members are to be elected. The nomination petition must include the following information:

**C
o
p
y**



- 1 (A) The name of the prospective candidate.
- 2 (B) The signatures of at least one hundred (100) registered
- 3 voters residing in the county.
- 4 (C) A certification that the prospective candidate meets the
- 5 qualifications for candidacy imposed by this chapter.
- 6 (3) Only eligible voters residing in the county may vote for a
- 7 candidate.
- 8 (4) The two (2) candidates within the county who receive the
- 9 greatest number of votes in the county are elected.
- 10 (e) A member elected under this section may not be, or have been
- 11 during the year preceding the member's appointment or election, an
- 12 officer or employee of a political subdivision.
- 13 **(f) The county election board shall, not later than noon**
- 14 **seventy-one (71) days before the election:**
- 15 **(1) determine whether each nomination petition includes a**
- 16 **sufficient number of signatures required under this section;**
- 17 **and**
- 18 **(2) do one (1) of the following:**
- 19 **(A) If the petition includes a sufficient number of**
- 20 **signatures, certify the petition.**
- 21 **(B) If the petition does not include a sufficient number of**
- 22 **signatures, deny the certification.**
- 23 **(g) All questions concerning the validity of a nomination petition**
- 24 **filed with a county election board or contesting the denial of**
- 25 **certification under this section shall be referred to and determined**
- 26 **by the county election board. A statement questioning the validity**
- 27 **of a nomination petition or contesting the denial of certification**
- 28 **under this section must be filed with the county under the**
- 29 **procedures set forth in IC 3-8-1-2 not later than noon sixty-seven**
- 30 **(67) days before the election. The county election board shall rule**
- 31 **on the validity of the nomination petition or the denial of the**
- 32 **certification under this section not later than noon fifty-four (54)**
- 33 **days before the election.**
- 34 **(h) A candidate may withdraw a nomination petition not later**
- 35 **than noon seventy-one (71) days before the election.**
- 36 **(i) An individual who desires to be a write-in candidate for the**
- 37 **office of member of the county board of tax and capital projects**
- 38 **review must file a declaration of intent to be a write-in candidate**
- 39 **with the county election board in the form prescribed by**
- 40 **IC 3-8-2-2.5. The individual shall file the declaration not later than**
- 41 **noon seventy-four (74) days before the election. A candidate may**
- 42 **withdraw a declaration of intent to be a write-in candidate under**

C
o
p
y



1 **this section not later than noon seventy-one (71) days before the**
 2 **election.**

3 SECTION 86. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006,
 4 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** A manager or an
 6 employee may use any of the following methods to transmit paper
 7 copies of voter registration applications under section 4 of this chapter:

8 (1) Hand delivery to the county voter registration office.

9 ~~(2) Certified mail, return receipt requested.~~

10 **(2) Delivery by the United States Postal Service, using first**
 11 **class mail.**

12 **(b) A county voter registration office:**

13 **(1) shall process a voter registration application transmitted**
 14 **in electronic format from a license branch; and**

15 **(2) is not required to receive the paper copy of a voter**
 16 **registration application from a license branch before:**

17 **(A) approving or denying the application; and**

18 **(B) mailing a notice of approval or denial to the applicant.**

19 SECTION 87. IC 9-24-2.5-8 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a)~~ The
 21 ~~co-directors of the~~ election division shall provide the commission with
 22 a list of the current addresses and telephone numbers of the offices of
 23 the ~~circuit court clerk or board of~~ **county voter** registration office in
 24 each county. The commission shall promptly forward the list and each
 25 revision of the list to each license branch.

26 ~~(b) The co-directors of the election division shall provide the~~
 27 ~~commission with pre-addressed packets for the commission to transmit~~
 28 ~~applications under section 6(1) or 6(2) of this chapter.~~

29 SECTION 88. IC 20-23-8-10, AS ADDED BY P.L.1-2005,
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 10. (a) A change in a plan may be initiated by
 32 one (1) of the following procedures:

33 (1) By filing a petition signed by at least ~~twenty ten~~ percent
 34 ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of
 35 the school corporation with the clerk of the circuit court.

36 (2) By a resolution adopted by the governing body of the school
 37 corporation.

38 (3) By ordinance adopted by a city legislative body under section
 39 13 of this chapter.

40 (b) A petition, resolution, or ordinance must set forth a description
 41 of the plan that conforms with section 7 of this chapter.

42 ~~(c) Except as provided in subsection (a)(1), in a city having a~~

C
O
P
Y



1 population of more than fifty-nine thousand seven hundred (59,700)
 2 but less than sixty-five thousand (65,000); a change in a plan may be
 3 initiated by filing a petition signed by ten percent (10%) or more of the
 4 voters of the school corporation with the clerk of the circuit court.

5 SECTION 89. IC 20-23-8-14, AS ADDED BY P.L.1-2005,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 14. (a) Not more than ten (10) days after a
 8 governing body has:

- 9 (1) initiated;
 10 (2) approved; or
 11 (3) disapproved;

12 a plan initiated by the petition filed with it, the governing body shall
 13 publish a notice one (1) time in a newspaper of general circulation in
 14 the county of the school corporation. If a newspaper of general
 15 circulation is not published in the county of the school corporation, the
 16 governing body shall publish a notice one (1) time in a newspaper of
 17 general circulation published in a county adjoining the county of the
 18 school corporation.

19 (b) The notice must set out the text of a plan initiated by the
 20 governing body or another plan filed with the governing body before
 21 the preparation of the notice. The notice must also state the right of a
 22 voter, as provided in this section, to file a petition for alternative plans
 23 or a petition protesting the adoption of a plan or plans to which the
 24 notice relates.

25 (c) If the governing body fails to publish a notice required by this
 26 section, the governing body shall, not more than five (5) days after the
 27 expiration of the ten (10) day period for publication of notice under this
 28 section, submit the petition that has been filed with the clerk to the
 29 state board, whether or not the plan contained in the petition or the
 30 petition meets the requirements of this chapter.

31 (d) Not later than one hundred twenty (120) days after the
 32 publication of the notice, voters of the school corporation may file with
 33 the clerk a petition protesting a plan initiated or approved by the
 34 governing body or a petition submitting an alternative plan as follows:

- 35 (1) A petition protesting a plan ~~shall must~~ be signed by at least
 36 ~~twenty ten percent (20%)~~ **(10%)** of the **active voters (as defined**
 37 **in IC 3-5-2-1.7)** of the school corporation or five hundred (500)
 38 voters of the school corporation, whichever is less.

- 39 (2) A petition submitting an alternative plan ~~shall must~~ be signed
 40 by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active voters**
 41 **(as defined in IC 3-5-2-1.7)** of the school corporation.

42 A petition filed under this subsection shall be certified by the clerk and

C
o
p
y



shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

- (1) adoption;
- (2) defeat at a special election held under section 16 of this chapter; or
- (3) combination with another plan by the state board under section 15 of this chapter.

SECTION 90. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The auditor may administer the following:

- (1) Oaths necessary in the performance of the auditor's duties.
- (2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 91. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-5-4-6; IC 3-11-8-6.5; IC 3-11-11-1.5; IC 3-11-11-1.6.

SECTION 92. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-12-1-13; IC 3-14-2-29.

SECTION 93. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 3-11-10-35; IC 3-11.7-5-5.

SECTION 94. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "HAVA money" refers to money received by the state under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**

(b) **The definitions in IC 3-5-2 apply throughout this SECTION.**

(c) **HAVA money received after December 31, 2007, shall be allocated to reimburse the following counties for purchase of new voting systems:**

- (1) **Boone County.**
- (2) **Cass County.**
- (3) **Parke County.**

C
o
p
y



1 **(4) Randolph County.**

2 **(d) The secretary of state, as the state's chief election official**
3 **under IC 3-6-3.7-1, shall petition the federal Election Assistance**
4 **Commission for authority to use HAVA money to reimburse**
5 **counties as provided in subsection (c). In addition to other**
6 **arguments that the secretary of state may make in the petition, the**
7 **secretary of state shall inform the Election Assistance Commission**
8 **that the general assembly considers the circumstances of the**
9 **counties described in subsection (c) as different from other**
10 **jurisdictions that have requested to use HAVA money to purchase**
11 **new voting systems to replace voting systems purchased from**
12 **HAVA money. Other states have sought to replace functioning**
13 **voting systems that the state has chosen to abandon for public**
14 **policy reasons. The state of Indiana is petitioning to use HAVA**
15 **money to replace voting systems that cannot be used because of the**
16 **lack of technical and other operating support for the voting**
17 **systems due to the dissolution of the companies that sold the voting**
18 **systems.**

19 **(e) This SECTION expires July 1, 2013.**

20 **SECTION 95. [EFFECTIVE JULY 1, 2008] (a) There is**
21 **appropriated to the election administration fund one hundred**
22 **twenty-five thousand two hundred dollars (\$125,200) from the**
23 **state general fund to match any money granted to the state by the**
24 **federal government after December 31, 2007, under the Help**
25 **America Vote Act of 2002 (42 U.S.C. 15301 through 15545),**
26 **beginning July 1, 2008, and ending June 30, 2011.**

27 **(b) This SECTION expires July 1, 2011.**

28 **SECTION 96. An emergency is declared for this act.**

C
O
P
Y



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 215, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 24, delete lines 24 through 25.

and when so amended that said bill do pass.

(Reference is to SB 215 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 215, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.5. **(a) Except as provided in subsections (b) and (c), "proof of identification" refers to a document that satisfies all the following:**

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
 - (A) is not expired; or
 - (B) expired after the date of the most recent general election.
- (4) The document was issued by **any of the following:**
 - (A) The United States. ~~or~~
 - (B) The state of Indiana.
 - (C) **An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).**



C
o
p
y

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

- (1) otherwise complies with the requirements of subsection (a); and**
- (2) has no expiration date or states that the document has an indefinite expiration date;**

is sufficient proof of identification for purposes of this title.

(c) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title.

SECTION 2. IC 3-5-2-40.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7. The term includes an absentee ballot required to be treated as a provisional ballot under this title."

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record."

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 9. IC 3-7-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) Subject to subsection (c), a board of registration may employ all necessary assistants.

(b) The number of employees shall be divided equally between the major political parties of the county.

(c) A person who is:

- (1) on probation;**
- (2) on parole;**
- (3) subject to home detention under IC 35-38-2.5;**
- (4) placed in a community corrections program under IC 35-38-2.6;**
- (5) in a community transition program under IC 11-10-11.5;**

**C
o
p
y**



- (6) participating in a postconviction forensic diversion program under IC 11-12-3.7;**
- (7) being supervised by a reentry court;**
- (8) serving a sentence in a minimum security assignment under IC 35-38-3-6; or**
- (9) serving an intermittent sentence;**

may not be an employee of, or otherwise perform work for, a board of registration.

SECTION 10. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:

- (1) convicted of a crime; and
- (2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

- (1) imprisoned; or
- (2) otherwise subject to lawful detention.

(c) A person who is subject to lawful detention but has not been convicted of a crime is eligible to:

- (1) register under this article; and**
- (2) vote;**

until the person has been convicted of a crime and imprisoned following conviction."

Page 9, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 21. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

C
o
p
y



(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) **The candidate obtains certification that the candidate is a member of the political party from the county chairman of (i) the political party with which the candidate claims affiliation and (ii) for the county in which the candidate resides. certifies that the candidate is a member of the political party. If the candidate is a candidate for a legislative office or a state office, the candidate must also obtain certification from the state chairman of the political party with which the candidate claims affiliation.**

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written ~~certification~~ **certifications** of the **state chairman and the** county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate

C
o
p
y



for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy."

Page 16, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 29. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the precinct election board~~ **officer** shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

C
o
p
y



(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;
a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) **A voter described by either of the following is not required to provide proof of identification before voting in a primary election:**

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in a primary election.~~

(2) **A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:**

(A) **The voter is:**

- (i) indigent; and
- (ii) **unable to obtain proof of identification without the payment of a fee.**

(B) **The voter has a religious objection to being photographed."**

Page 18, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 34. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

- (1) **by mail;**
- (2) **before an absentee voter board** as ~~otherwise~~ provided in this article; ~~a voter voting by absentee ballot must vote~~
- (3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

C
o
p
y



(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ **sections 12 and 13** of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 35. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.

**C
o
p
y**



~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot

C
o
p
y



application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (4) A statement that the person is executing the affidavit under the penalties of perjury.
- (5) A statement setting forth the penalties for perjury.
- (i) The county election board shall record the date and time of the filing of the affidavit."

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 37. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or

C
o
p
y



(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter; whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

(A) on the day of the receipt of the voter's application; or

(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 38. IC 3-11-6.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive reimbursement for the purchase of voting systems under this chapter, a county must file an application with the election division, in the form required by the election division. The secretary of state with the consent of the co-directors of the election division shall review the application and make a recommendation to the budget committee regarding the application. If a county filed an application under section 3 of this chapter (repealed) not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application under this subsection.

(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the budget agency determines ~~either~~ **any** of the following:

(1) The county has purchased or will purchase a new voting system or an upgrade or expansion of an existing voting system

C
o
p
y



to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, that would not qualify for reimbursement from federal funds received under HAVA, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

- (A) Reliability of the county's voting system.
- (B) Efficiency of the county's voting system.
- (C) Ease of use of the county's voting system by voters.
- (D) Public confidence in the county's voting system.

(3) The county has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system. This subdivision applies only if the purchase of a new voting system is eligible for reimbursement under HAVA."

Page 20, between lines 17 and 18, begin a new paragraph and insert:
 "SECTION 43. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board~~ **officer** shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required

C
o
p
y



to provide proof of identification before voting in an election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in an election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section

C
O
P
Y



21 of this chapter.

(j) If, in a precinct governed by subsection (g):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 44. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 45. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope

C
o
p
y



or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 46. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to board shall~~ vote the ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and
- (2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

C
o
p
y



(e) This subsection applies to a special write-in absentee ballot described in:

- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 47. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** Subject to section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.

(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).

(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and ~~need~~ may not be delivered to the polls: counted.

(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.

SECTION 48. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

- (1) Open the outer or carrier envelope containing an absentee ballot envelope and application.
- (2) Announce the absentee voter's name.
- (3) Compare the signature upon the ~~application~~ **voter's affidavit of registration** with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 49. IC 3-11-10-17, AS AMENDED BY P.L.198-2005,

C
o
p
y



SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, **a the inspector shall direct that the absentee ballot may not be accepted or counted; processed as a provisional ballot under IC 3-11.7:**

(1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section 27 of this chapter;

(B) the two (2) members of the absentee voter board visiting the voter under section 25(b) of the chapter; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

C
o
p
y



(c) The voter may request that the voter's signature or mark be attested to by:

- (1) the absentee voter board under section 25(b) of this chapter;
- (2) a member of the voter's household; or
- (3) an individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).

SECTION 50. IC 3-11-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~Each~~ **(a) An absentee ballot not accepted or counted for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely sealed and** endorsed with the words: "Rejected (giving the reason or reasons ~~therefor~~)". **for the rejection)".**

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write the words: "Defective"Absentee ballots to be processed as provisional ballots". The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. ~~The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.~~

SECTION 51. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

~~(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.~~

~~(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:~~

- ~~(A) a precinct election officer under IC 3-6-6;~~
- ~~(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;~~
- ~~(C) a challenger or pollbook holder under IC 3-6-7; or~~
- ~~(D) a person employed by an election board to administer the election for which the absentee ballot is requested.~~

~~(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.~~

C
o
p
y



(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

C
o
p
y



(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 52. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of~~ **the voter:**

(1) **has an** illness or injury; ~~or~~

(2) **is** caring for a confined person at a private residence; ~~or~~

(3) **is subject to lawful detention but has not been convicted of a crime;**

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's

C
o
p
y



first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 53. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As an alternative to

C
O
P
Y



voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or

C
o
p
y



correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 54. IC 3-11-10-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec 34. If ~~an envelope containing~~ an absentee ballot has been marked ~~"Rejected as defective"~~ **rejected under section 17 of this chapter** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person. **A notation shall be made on the absentee ballot envelope of the rejected absentee ballot that the voter appeared at the polls."**

Page 23, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 58. IC 3-11-14-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28.5. (a) This section applies if it is discovered, after a voter leaves the voting booth, that the voter has failed to register the voter's votes.**

(b) The judges, in the presence of the inspector, shall take all reasonable action to register the voter's votes. The judges shall attempt to register the votes without viewing any of the votes. However, the voter's votes are not void if either of the judges or the inspector sees any of the votes during an attempt to register the

C
o
p
y



votes.

(c) The judges may not alter any of the voter's votes in performing the duty described in this section.

(d) If the judges are unable to register the voter's votes as provided in this section:

(1) the votes shall be canceled; and

(2) the voter may not vote again at the election.

(e) A record of the occurrence and the results of the attempt to register the voter's votes shall be made on the poll list."

Page 24, between lines 35 and 36, begin a new paragraph and insert:
"SECTION 62. IC 3-11.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter:

- (1) IC 3-11-4-22.
- (2) IC 3-11-10-1.5.
- (3) IC 3-11-10-3.
- (4) IC 3-11-10-5.
- (5) IC 3-11-10-6.
- (6) IC 3-11-10-7.
- (7) IC 3-11-10-8.
- (8) IC 3-11-10-9.
- (9) IC 3-11-10-11.
- (10) IC 3-11-10-12.
- (11) IC 3-11-10-13.
- (12) IC 3-11-10-14.
- (13) IC 3-11-10-15.
- (14) IC 3-11-10-16.
- (15) IC 3-11-10-17.
- (16) IC 3-11-10-18.
- (17) IC 3-11-10-20.
- (18) IC 3-11-10-21.
- (19) IC 3-11-10-22.
- (20) IC 3-11-10-23.
- (21) IC 3-11-10-31.
- (22) IC 3-11-10-32.
- (23) IC 3-11-10-33.
- (24) IC 3-11-10-34.
- ~~(25) IC 3-11-10-35.~~
- ~~(26)~~ (25) IC 3-11-10-36.
- ~~(27)~~ (26) IC 3-11-10-37.

C
o
p
y



~~(28)~~ (27) IC 3-12-2.

~~(29)~~ (28) IC 3-12-3-12.

SECTION 63. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are considered as arriving too late and may not be counted.

SECTION 64. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the ~~application with the signature upon the affidavit~~ on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 65. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be ~~rejected~~ **processed as provisional ballots under IC 3-11.7:**

- (1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:
 - (A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;
 - (B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or
 - (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
- (2) The signatures do not correspond or there is no signature.
- (3) The absentee voter is not a qualified voter in the precinct.
- (4) The absentee voter has voted in person at the election.
- (5) The absentee voter has not registered.
- (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual

C
o
p
y



designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 66. IC 3-11.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~Each~~ **An absentee** ballot rejected for any of the reasons prescribed by section 13 of this chapter shall, without being unfolded to disclose how the ballot is marked, be **replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely sealed and** endorsed with the words: "Rejected (giving the reason or

C
o
p
y



reasons for the rejection)".

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the absentee ballot counters shall write the words: **"Rejected "Absentee ballots to be processed as provisional ballots"**. The absentee ballot counters shall also identify the precinct and the date of the election on the envelope containing the rejected ballots.

~~(c) The rejected absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.~~

SECTION 67. IC 3-11.5-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. If ~~an envelope containing~~ an absentee ballot has been marked **"Rejected"** ~~rejected under section 14 of this chapter~~ and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under ~~section 13(c)~~ **section 13(f)** of this chapter. **A notation shall be made on the absentee ballot envelope of the rejected absentee ballot that the voter appeared at the polls.**

SECTION 68. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) ~~As provided by 42 U.S.C. 15482,~~ This section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(4) An individual whose absentee ballot has been rejected under IC 3-11-10-17 or IC 3-11.5-4-13.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

- (1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or
- (2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's

C
o
p
y



absentee ballot is cast;
is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

(e) An absentee ballot rejected under IC 3-11-10-17 or IC 3-11.5-4-13 shall be treated as a provisional ballot under this article. The county election board shall send a notice to the voter at the address indicated on the voter's absentee ballot application giving the following information:

- (1) That the voter's absentee ballot was rejected.**
- (2) The reasons for rejection of the voter's absentee ballot.**
- (3) That the voter's absentee ballot will be treated as a provisional ballot.**
- (4) That the county election board will have a meeting to determine whether provisional ballots shall be counted.**
- (5) The date, time, and place of the meeting described in subdivision (4).**
- (6) That the voter will be given an opportunity to support the validity of the absentee ballot.**
- (7) That the county election board may limit the voter's presentation. The county election board must grant a voter at least five (5) minutes to make a presentation.**

SECTION 69. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ten (10) days following the election.

(c) The county election board shall meet before noon on the date described in subsection (b) to do the following:

- (1) Provide voters who have cast provisional ballots an opportunity to make a presentation in support of the validity of the provisional ballot.**

C
o
p
y



(2) Determine which provisional ballots shall be counted.

SECTION 70. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in section 5 of this chapter,~~ If the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.
- (3) Based on all the information available to the county election board, including:
 - (A) information provided by the provisional voter;
 - (B) information contained in the county's voter registration records; and
 - (C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot **unless:**

- (1) the voter appears at the meeting held under section 1 of this chapter; and**
- (2) the board determines, based on the voter's presentation, that the voter was validly registered.**

If the board determines that the voter was not properly registered, the board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~Except as provided in section 5 of this chapter,~~ A provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the

C
o
p
y



closing of the polls on election day.

SECTION 71. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear ~~before the circuit court clerk or the~~ **at the** county election board ~~not later than the deadline specified by meeting held under~~ section 1 of this chapter for the county election board to determine whether to count a provisional ballot. **The voter may also appear before the circuit court clerk before the county election board meeting to provide proof of identification and execute the affidavit as required under subsection (b).**

(b) Except as provided in subsection (c), ~~or (c)~~; if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:
 - (A) personally appeared before the precinct election board; and
 - (B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board; in the form prescribed by the commission; affirming under the penalties of perjury that:~~

- ~~(1) the voter is the same individual who:~~
 - ~~(A) personally appeared before the precinct election board; and~~
 - ~~(B) cast the provisional ballot on election day; and~~
- ~~(2) the voter:~~
 - ~~(A) is:~~
 - ~~(i) indigent; and~~
 - ~~(ii) unable to obtain proof of identification without the payment of a fee; or~~
 - ~~(B) has a religious objection to being photographed;~~

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination

C
o
p
y



to present proof of identification to the precinct election board:

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and
- (2) direct that the provisional ballot be:
 - (A) opened under section 4 of this chapter; and
 - (B) processed in accordance with this chapter.

~~(c)~~ (c) If the county election board determines that a voter described in subsection (b) ~~or (c)~~ has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

~~(f)~~ (d) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) described in section 1 of this chapter to:

- (1) appear before the county election board ~~or the circuit court clerk~~; and
- (2) execute an affidavit in the manner prescribed by subsection (b); ~~or (c)~~;

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 72. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) **This section applies** if the board determines **any of the following**:

- (1) That the affidavit executed by the provisional voter has not been properly executed.
- (2) That the provisional voter is not a qualified voter of the precinct.
- (3) That the **provisional** voter failed to provide proof of identification when required under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26. ~~or~~
- (4) That the provisional voter did not register to vote at a registration agency under this article on a date within the registration period.

C
o
p
y



(5) That the provisional voter's absentee ballot is not entitled to be counted under this title.

(b) The board shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

~~(b)~~ **(c)** If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

SECTION 73. IC 3-11.7-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. As soon as the ballots have been counted, the counters shall do the following in the presence of the county election board:

- (1) Place in a strong paper envelope or bag the following:
 - (A) All provisional ballots, voted and spoiled.
 - (B) All provisional ballots
 - ~~(i)~~ determined invalid under section 3 of this chapter. **or**
 - ~~(ii)~~ rejected under section 5 of this chapter.
 - (C) All protested and uncounted provisional ballots.
 - (D) All provisional ballot envelopes.
 - (E) All executed affidavits relating to the provisional ballots.
 - (F) The tally papers.
- (2) Securely seal the envelope or bag.
- (3) Have both counters initial the envelope or bag.
- (4) Plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast.
- (5) Deliver the envelope or bag to the circuit court clerk.
- (6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

SECTION 74. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 7. Evaluation of Provisional Voting

Sec. 1. Not later than January 31 following each year in which a general or municipal election is held, the secretary of state shall publish an analysis of provisional voting in Indiana for that election year.

Sec. 2. The analysis required by section 1 of this chapter must contain the following information:

- (1) The number of provisional ballots cast by county.**
- (2) The reasons that provisional ballots were cast. The**

**C
o
p
y**



analysis may group the reasons for casting provisional ballots by category.

(3) The number of provisional ballots counted and the number of provisional ballots not counted, by category.

(4) Measures of variance in casting of provisional ballots by county.

(5) Length of time to check validity and count provisional ballots by county.

(6) The variation in the use of provisional ballots among all counties.

Sec. 3. The analysis required by section 1 of this chapter must consider the following questions:

(1) Whether the provisional ballot system distributes, collects, records, and counts provisional votes with acceptable accuracy.

(2) Whether the provisional ballot system counts all votes cast by properly registered voters who have correctly completed all steps to cast a vote.

(3) Whether the provisional ballot system is structured sufficiently to perform well when the number of votes cast for opposing candidates is close.

(4) Whether the procedural requirements of the provisional ballot system permit a cost efficient, accurate, and timely operation.

(5) Whether the variation in the use of provisional ballots throughout Indiana is great enough to raise concern that the provisional ballot system is not administered uniformly across Indiana.

Sec. 4. The county election board of each county shall collect and send to the secretary of state any information about the use of provisional ballots in the county as required by the secretary of state.

SECTION 75. IC 3-12-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Subject to sections 5, 6, 8, 9, and 9.5 and ~~13~~ of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted.



C
O
P
Y

SECTION 76. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a voter:

- (1) votes a straight party ticket; and
- (2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to an office; and
- (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

- (A) a candidate of a political party other than the party for which the voter voted a straight ticket; or
- (B) an independent candidate for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party; and
- (2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

- (A) independent candidates;
- (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or

C
O
P
Y



(C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted **unless the straight party ticket vote is not counted**. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates

C
o
p
y



nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 77. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) ~~Except as provided in section 13 of this chapter,~~ A ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless shall~~ be counted in a proceeding under ~~IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

SECTION 78. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished."

Page 25, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 81. IC 4-8.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **The individual elected as treasurer of state shall take office on January 1 following the individual's election.**

(b) The treasurer of state and ~~his~~ the deputy treasurers shall each give bond in an amount determined by the auditor of state and the

C
o
p
y



governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must be procured from a surety company authorized by law to transact business in this state.

SECTION 82. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

- (1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;
- (2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or
- (3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as auditor of state, secretary of state, or treasurer of state, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual shall have vested status if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

SECTION 83. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.9. (a) **This section applies only to a member of the public employees' retirement fund:**

- (1) who has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and**

C
o
p
y



- (2) whose term of office as a state officer commenced after the election held on November 5, 2002.
- (b) A member is eligible for normal retirement after becoming sixty-five (65) years of age if the member:
- (1) has:
- (A) served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana for at least eight (8) years; or
- (B) been elected at least two (2) times and would have served at least eight (8) years as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana had the member's term of office not been shortened under a statute enacted to establish uniform dates for beginning the terms of state officers listed in Article 6, Section 1 of the Constitution of the State of Indiana; and
- (2) is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years in any period of twelve (12) years.
- (c) A member who:
- (1) has served as a state officer listed in Article 6, Section 1 of the Constitution of the State of Indiana; and
- (2) does not meet the requirements of subsection (b);
- is eligible for normal retirement if the member has attained vested status (as defined in IC 5-10.2-1-8(a)) and meets the requirements of section 1 of this chapter."

Page 28, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 87. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

- (1) By filing a petition signed by at least ~~twenty ten~~ percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation with the clerk of the circuit court.
- (2) By a resolution adopted by the governing body of the school corporation.
- (3) By ordinance adopted by a city legislative body under section 13 of this chapter.
- (b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.
- ~~(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700)~~



C
O
P
Y

but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 88. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

- (1) initiated;
- (2) approved; or
- (3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

- (1) A petition protesting a plan ~~shall~~ **must** be signed by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.
- (2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is

C
o
p
y



provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

- (1) adoption;
- (2) defeat at a special election held under section 16 of this chapter; or
- (3) combination with another plan by the state board under section 15 of this chapter."

Page 29, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 91. THE FOLLOWING ARE REPEALED
[EFFECTIVE UPON PASSAGE]: IC 3-12-1-13; IC 3-14-2-29.

SECTION 92. THE FOLLOWING ARE REPEALED [EFFECTIVE
JULY 1, 2008]: IC 3-11-10-35; IC 3-11.7-5-5.

SECTION 93. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "HAVA money" refers to money received by the state under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c) HAVA money received after December 31, 2007, shall be allocated to reimburse the following counties for purchase of new voting systems:

- (1) Boone County.**
- (2) Cass County.**
- (3) Parke County.**
- (4) Randolph County.**

(d) The secretary of state, as the state's chief election official under IC 3-6-3.7-1, shall petition the federal Election Assistance Commission for authority to use HAVA money to reimburse counties as provided in subsection (c). In addition to other arguments that the secretary of state may make in the petition, the secretary of state shall inform the Election Assistance Commission that the general assembly considers the circumstances of the counties described in subsection (c) as different from other jurisdictions that have requested to use HAVA money to purchase new voting systems to replace voting systems purchased from HAVA money. Other states have sought to replace functioning voting systems that the state has chosen to abandon for public policy reasons. The state of Indiana is petitioning to use HAVA money to replace voting systems that cannot be used because of the lack of technical and other operating support for the voting

**C
o
p
y**



systems due to the dissolution of the companies that sold the voting systems.

(e) This SECTION expires July 1, 2013.

SECTION 94. [EFFECTIVE JULY 1, 2008] **(a) There is appropriated to the election administration fund one hundred twenty-five thousand two hundred dollars (\$125,200) from the state general fund to match any money granted to the state by the federal government after December 31, 2007, under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545), beginning July 1, 2008, and ending June 30, 2011.**

(b) This SECTION expires July 1, 2011."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 215 as printed January 18, 2008.)

PIERCE, Chair

Committee Vote: yeas 10, nays 0.

**C
o
p
y**

